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Jonathan P. Wallington

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IL01/3RD

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EXAMINER

RIVERO, ALEJANDRO

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

01/31/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary	Application No. 10/573,005	Applicant(s) WALLINGTON ET AL.	
	Examiner Alejandro Rivero	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 1: "OC" should be labeled "120" instead of "110" and "POWER MEASUREMENT" should be labeled "110" instead of "120". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains the phrase "The present invention relates to" (in line 1 and also in line 2), which can be implied. The abstract also contains the words "Figure 1", below the abstract, which appear to be unrelated to the abstract and should be removed. Correction is required. See MPEP § 608.01(b).

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is respectfully suggested by the examiner: METHOD AND APPARATUS FOR ALLOCATING POWER TO SECTORS HAVING SITE POWER SHARING CAPABILITY.

4. The disclosure is objected to because of the following informalities:

In page 3 (lines 18-21) , the description makes reference to aspects of the invention by pointing to claims. This is improper because the language of the claims may vary during prosecution of the application. As an example, the description points to

claim 10 which has been cancelled as of the preliminary amendment filed 03/21/2006.

Appropriate correction is required.

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use because the application does not contain any labels to indicate the different parts of the specification.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the

specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may

point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the sector" in line 5. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, claim 1 will be treated as reciting "a sector" instead of the aforementioned phrase.

Claim 2 recites the limitation "the step of determining a downlink power allocation" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, claim 2 will be treated as reciting "a step of determining a downlink power allocation" instead of the aforementioned phrase.

Claim 2 recites the limitation "the available downlink power" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, claim 2 will be treated as reciting "available downlink power" instead of the aforementioned phrase.

Claim 7 recites the limitation "the scaling and filtering" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this

examination, claim 7 will be treated as reciting "a step of scaling and filtering" instead of the aforementioned phrase.

Claim 11 recites the limitation "the sector" in line 4. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, claim 11 will be treated as reciting "a sector" instead of the aforementioned phrase.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 8-9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dajer et al. (US 6,094,585) in view of Arntz (US 5,751,250).

Consider claim 1 (and the rejection under second paragraph of 35 U.S.C. 112 above), Dajer et al. disclose a method of managing downlink radio resources for the pooling of multiple amplifier resources between sectors of a cell, the method comprising the steps: receiving downlink power information for each sector of the cell (column 2 line

15- column 5 line 61); filtering the downlink power information to determine different duration power requirements of a sector (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power (in the case that a new call is accepted: the loading information changes and the power requirements will be different for the duration of the new call, hence different duration power requirements) without overloading the base station); modifying the received downlink power information for each sector of the cell in response to the different duration power requirements (column 3 line 15- column 4 line 3 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station), and making a downlink radio resource management decision on the basis of the different duration power requirements and modified downlink power information (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station).

Dajer et al. do not specify where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier.

Arntz discloses a low distortion power sharing amplifier network where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier (column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allocate power such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and allocating additional power shared from other sector's amplifiers than would be available from that single sector's amplifier as taught by Arntz in the method of Dajer et al. in order to efficiently utilize RF power and improve the number of subscribers that can use the system, decrease base station hardware, prevent amplifier saturation and improve blocking efficiency (as suggested by Arntz in column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6, column 8 lines 34-46).

Consider claim 2 (and the rejections under second paragraph of 35 U.S.C. 112 above), Dajer et al. in view of Arntz disclose all the limitations as applied to claim 1 above and also disclose the step of determining available downlink power and using the available downlink power information in a step of determining a downlink power allocation (column 4 line 66- column 5 line 39 of Dajer et al.).

Consider claim 3, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 2 above and also disclose wherein available downlink power is

determined using information relating to overload control alarms (column 5 lines 50-61, figure 5B of Dajer et al., where Dajer et al. disclose that an overload control apparatus (alarm) rejects/blocks new request for power prior to reaching a clipping state, hence aware of available power).

Consider claim 4, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 2 above and also disclose wherein the determination of a downlink power allocation depends on a comparison of the downlink power information and the available downlink power information (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose rejects/blocks new request for power or allocating additional power based on downlink power information and availability of downlink power with respect to an overload threshold).

Consider claim 8, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 1 above and also disclose wherein the filtering of the downlink power information includes averaging the power information over different lengths of times (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose averaging forward link (downlink) power, wherein the averaging is performed for a frame interval (a length of time) and reported to a system controller to make a decision regarding a request to add new calls and Dajer et al. also disclose wherein the averaging is performed for a frame interval (another length of time) and reported to a system controller to make a decision regarding a request to process a handoff, and Dajer et al. also disclose wherein the averaging is performed for a frame interval (yet another length

of time) and reported to a system controller to make a decision regarding increasing power to existing users, hence averaging is performed over different lengths of times).

Consider claim 9, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 8 above and also disclose wherein the averaging is performed over different lengths of time for different radio resource management decisions (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose averaging forward link (downlink) power, wherein the averaging is performed for a frame interval (a length of time) and reported to a system controller to make a decision regarding a request to add new calls (radio resource management decision) and Dajer et al. also disclose wherein the averaging is performed for a frame interval (another length of time) and reported to a system controller to make a decision regarding a request to process a handoff (another radio resource management decision), and Dajer et al. also disclose wherein the averaging is performed for a frame interval (yet another length of time) and reported to a system controller to make a decision regarding increasing power to existing users (yet another radio resource management decision), hence averaging is performed over different lengths of times for different radio resource management decisions).

Consider claim 11 (and the rejection under second paragraph of 35 U.S.C. 112 above), Dajer et al. disclose an apparatus for managing downlink radio resources for the pooling of multiple amplifier resources between sectors of a cell, comprising: means for filtering received downlink power information to determine different duration power requirements of a sector (column 2 line 15- column 5 line 61 where Dajer et al. disclose

obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power (in the case that a new call is accepted: the loading information changes and the power requirements will be different for the duration of the new call, hence different duration power requirements); means for modifying received downlink power information for each sector of the cell in response to the different duration power requirements (column 3 line 15- column 4 line 3 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station), and means for making a downlink radio resource management decision on the basis of the different duration power requirements and modified downlink power information (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station).

Dajer et al. do not specify where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier.

Arntz discloses a low distortion power sharing amplifier network where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier (column 1

line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allocate power such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and allocating additional power shared from other sector's amplifiers than would be available from that single sector's amplifier as taught by Arntz in the method of Dajer et al. in order to efficiently utilize RF power and improve the number of subscribers that can use the system, decrease base station hardware, prevent amplifier saturation and improve blocking efficiency (as suggested by Arntz in column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6, column 8 lines 34-46).

Consider claim 13, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 11 above and also disclose wherein the means for making a downlink radio resource management decision on the basis of the modified downlink power information is a radio resource management module (column 4 line 4- column 5 line 61 of Dajer et al., where Dajer et al. disclose a system controller for determining sector loads and making decisions to allocate sector power (radio resource), hence radio resource management module).

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dajer et al. in view of Arntz and further in view of Liew (US 6,415,153 B1).

Consider claim 5, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 1 above and also disclose wherein the step of modifying the received

downlink power information comprises the step of making a filtering modification to the downlink power information resulting in filtered modified downlink power information; and the step of making a downlink radio resource management decision comprises making a downlink radio resource management decision on the basis of the filtered modified downlink power information (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose filtering, obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station).

Dajer et al. in view of Arntz do not disclose a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information.

Liew discloses a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient based on the last value of the scaling coefficient).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information as taught by Liew in the method of Dajer et al. in view of Arntz for the purpose of increasing network capacity,

preventing overload and balancing load (as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57).

Consider claim 6, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 1 above and also disclose wherein the modification relates to filtering of the downlink power information for at least one cell in a multi-cell base site (column 1 lines 28-45, column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose filtering, obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station of a cell of a communication system divided into coverage cells).

Dajer et al. in view of Arntz do not disclose a scaling modification.

Liew discloses a scaling modification (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient based on the last value of the scaling coefficient).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform a scaling modification as taught by Liew in the method of Dajer et al. in view of Arntz for the purpose of increasing network capacity, preventing overload and balancing load (as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57).

Consider claim 7 (and the rejection under second paragraph of 35 U.S.C. 112 above), Dajer et al. in view of Arntz disclose all the limitations as applied to claim 1

above and also disclose wherein filtering is carried out for different radio resource management decisions (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose averaging forward link (downlink) power, wherein the averaging is performed for a frame interval and reported to a system controller to make a decision regarding a request to add new calls (radio resource management decision) and Dajer et al. also disclose wherein the averaging is performed for a frame interval and reported to a system controller to make a decision regarding a request to process a handoff (another radio resource management decision), and Dajer et al. also disclose wherein the averaging is performed for a frame interval and reported to a system controller to make a decision regarding increasing power to existing users (yet another radio resource management decision), hence averaging is performed over different lengths of times for different radio resource management decisions).

Dajer et al. in view of Arntz do not disclose scaling and where scaling and filtering is carried out differently for different radio resource management decisions.

Liew discloses scaling and where scaling and filtering is carried out differently for different radio resource management decisions (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient (which affects handoff control values, receive signal strength, BER/FER, SNR, hence radio resource management decisions) and such an update can result in an increase, decrease or no-change of the scaling coefficient (hence 3 different ways to perform the

scaling, hence scaling and filtering is carried out differently) depending on the result of the comparison of load measurement against the threshold).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform scaling and where scaling and filtering is carried out differently for different radio resource management decisions as taught by Liew in the method of Dajer et al. in view of Arntz for the purpose of increasing network capacity, preventing overload and balancing load, under different circumstances such as a load measurement exceeds a threshold value or such as a load measurement remains below a threshold value (as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57).

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dajer et al. in view of Arntz and further in view of Liew and Agahi-Kesheh et al (US 6,466,768 B1).

Consider claim 12, Dajer et al. in view of Arntz disclose all the limitations as applied to claim 11 above and also disclose wherein the means for modifying received downlink power information is a filter (column 3 line 15- column 4 line 3 of Dajer et al., where Dajer et al. disclose filtering, obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station).

Dajer et al. in view of Arntz do not disclose a power scaling module and do not specify multi-bandwidth filter.

Liew discloses a power scaling module (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller for calculating a scaling coefficient) and Agahi-Kesheh et al. disclose a multi-band filter (column 1 lines 1-21, column 3 lines 8-13, column 5 lines 18-43 where Agahi-Kesheh et al. disclose using a multi-band filter system in a wireless communication receiver for handling different communication standards).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a power scaling module as taught by Liew and a multi-band filter as taught by Agahi-Kesheh et al. in the method of Dajer et al. as modified by Arntz for the purpose of increasing network capacity, preventing overload and balancing load (as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57) and for the purpose of enhancing the method by allowing handling of different communication standards applied over different frequencies (as suggested by Agahi-Kesheh et al. in column 1 lines 7-21, column 3 lines 8-13).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alejandro Rivero whose telephone number is 571-272-2839. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application

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Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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